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17 Attorneys for Plaintiff HP Tuners, LLC

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 HP TUNERS, LLC, a Nevada limited liability
21 company,

22 Case No. 3:18-cv-00527-LRH-WGC

23 Plaintiff,

24 **JOINT MOTION TO MODIFY
SCHEDULING ORDER**

25 vs.

26 **(First Request)**

27 KENNETH CANNATA,

Defendant.

28 Pursuant to Fed. R. Civ. P. 16, and for the reasons enumerated in the accompanying
29 Memorandum of Law in Support, Plaintiff HP Tuners, LLC (“HP Tuners” or “Plaintiff”) and
30 Defendant Kenneth Cannata (“Cannata” or “Defendant”) (together, the “parties”), by and through
31 their respective counsel, hereby jointly move to modify the Court’s Scheduling Order dated
32 February 4, 2019 (Dkt. 17). This is the first motion to extend time to take discovery.

33 The parties propose an amended schedule extending the remaining deadlines by sixty (60)
34 days, thereby providing for the following deadlines:

1 • December 31, 2019 Discovery End Date
2 • November 4, 2019 Expert Disclosures
3 • December 3, 2019 Rebuttal Expert Disclosures
4 • October 2, 2019 Deadline to Amend Pleadings and Add Parties
5 • February 3, 2020 Deadline to File Dispositive Motions
6 • March 2, 2020 Deadline to File Pretrial Order

7 A Memorandum of Law follows detailing the specific modifications requested and the
8 arguments in support of this motion.

9 DATED this 18th day of July, 2019.

10 DATED this 19th day of July, 2019.

11 LEE HIGH, LTD.

12 KOLESAR & LEATHAM

13 /s/ Cecilia Lee, Esq.

14 /s/ Bart Larsen, Esq.

15 CECILIA LEE, ESQ.

16 BART LARSEN, ESQ.

17 ELIZABETH HIGH, ESQ.

18 Attorney for Defendant, Kenneth Cannata

19 MARKS & KLEIN

20 /s/ Andrew P. Bleiman, Esq.

21 ANDREW P. BLEIMAN, ESQ.

22 Attorneys for Plaintiff HP Tuners, LLC

1

MEMORANDUM IN SUPPORT OF

JOINT MOTION TO MODIFY SCHEDULING ORDER

2

3 On February 4, 2019, this Court entered a scheduling order (the “Scheduling Order”)
 4 setting forth a number of deadlines, which include:

5

- 6 • October 31, 2019 Discovery End Date
- 7 • September 3, 2019 Expert Disclosures
- 8 • October 3, 2019 Rebuttal Expert Disclosures
- 9 • August 2, 2019 Deadline to Amend Pleadings and Add Parties
- 10 • December 2, 2019 Deadline to File Dispositive Motions
- 11 • January 2, 2020 Deadline to File Pretrial Order

12 Docket No. 17.

13 The parties seek an amended scheduling order extending the remaining deadlines by sixty
 14 (60) days, resulting in the following deadlines:

15

- 16 • December 31, 2019 Discovery End Date
- 17 • November 4, 2019 Expert Disclosures
- 18 • December 3, 2019 Rebuttal Expert Disclosures
- 19 • October 2, 2019 Deadline to Amend Pleadings and Add Parties
- 20 • February 3, 2020 Deadline to File Dispositive Motions
- 21 • March 2, 2020 Deadline to File Pretrial Order

22 Pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure, a scheduling order may
 23 be modified “for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4); see also Fed.
 24 R. Civ. P. 16 advisory committee’s notes (1983 amendment) (The district court may modify the
 25 pretrial schedule “if it cannot reasonably be met despite the diligence of the party seeking the
 26 extension.”).

27 Here, good cause exists. The parties have conferred and jointly determined that the
 28 deadlines set forth in the current Scheduling Order cannot reasonably be met due to the significant
 29 discovery demands involved in this litigation. The parties are in the midst of extensive discovery,
 30 including considerable third party discovery, and compliance with the current Scheduling Order
 31 will impede the parties’ abilities to pursue discovery and conduct a thorough investigation into the
 32 relevant facts of the case.

1 Accordingly, the parties respectfully request the Court grant this Joint Motion to Modify
2 Scheduling Order, and extend the outstanding deadlines by sixty (60) days in accordance with the
3 proposed dates set forth herein.

4 DATED this 18th day of July, 2019.

5 LEE HIGH, LTD.

6 /s/ Cecilia Lee, Esq.

CECILIA LEE, ESQ.

7 ELIZABETH HIGH, ESQ.

8 MARKS & KLEIN

9 /s/ Andrew P. Bleiman, Esq.

10 ANDREW P. BLEIMAN, ESQ.

11 Attorneys for Plaintiff HP Tuners, LLC

DATED this 19th day of July, 2019.

KOLESAR & LEATHAM

/s/ Bart Larsen, Esq.

BART LARSEN, ESQ.

Attorney for Defendant, Kenneth Cannata

15 IT IS SO ORDERED.

16 William G. Cobb

17 HONORABLE WILLIAM G. COBB
18 UNITED STATES MAGISTRATE JUDGE

19 DATED: July 22, 2019.